

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GMO GAMECENTER USA, INC. and GMO
INTERNET, INC.,

Plaintiffs,

-against-

WHINSTONE US, CORPORATION,

Defendant.
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KATHARINE H. PARKER, United States Magistrate Judge:

As discussed at the Case Management Conference on November 12, 2024, Whinstone's 30(b)(6) deposition and the deposition of David Schatz will take place in December 2024 in Texas. Chad Harris and Ashton Harris' depositions will take place in New York in either January or February 2025. The deposition of Hideyuki Matsui will take place the week of February 4, 2025, and the deposition of Satoshi Makita, and GMO's 30(b)(6) deposition, will take place the week of February 10, 2025. The parties are directed to meet and confer on specific dates within the time periods described above. Kevin Haugen's deposition will remain unscheduled because it may be unnecessary. As for Masafumi Okumura, the parties shall meet and confer regarding whether they will take his deposition on written questions.

Whinstone is directed to identify the core group of custodians who made the business decision to terminate the contract with GMO and select the relevant date range within which the custodians were deciding to terminate the contract. By **December 31, 2024**, Whinstone shall produce relevant documents that were located from these core custodians to GMO and produce a corresponding privilege log, identifying the categories of documents that are being

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POST-CONFERENCE ORDER

withheld based on privilege. The categories represented in the privilege log shall be narrowly tailored as directed by the Court at the conference.

Regarding document production, Whinstone shall search the virtual data room using GMO's search terms and the term "indemnity" and produce responsive documents. Document production, including production of documents contained in the virtual data room, shall be substantially completed by **December 31, 2024**. Counsel for Whinstone is also directed to discuss with their client the production of the settlement agreement between Riot and Northern Data, which may be produced for attorneys' eyes only and with redactions, if necessary.

As to GMO's protective order regarding the Rule 30(b)(6) deposition topics, the parties are directed to meet and confer on this issue within the next week. GMO shall add specificity regarding applicable time frames for disputed topics, and provide to Whinstone rough estimates concerning the amount of time GMO intends to spend on each topic. To the extent Whinstone seeks to narrow a topic, Whinstone shall make specific suggestions about how to narrow a disputed topic.

With regard to the production of real-time data concerning the operation and performance of GMO's miners, the parties are directed to meet and confer on this topic, in the presence of each party's respective expert.

By **Thursday November 21, 2024**, the parties shall file a letter with the Court confirming that all depositions have been scheduled and stating whether the parties have made any agreements as to 30(b)(6) deposition topics. The status letter shall also inform the Court whether Mr. Okumura's deposition will take place using written questions. If the parties cannot


agree on a deposition on written questions, GMO shall write to the Court *in camera* at Parker_NYSDChambers@nysd.uscourts.gov, providing more detail as to the reasons for Mr. Okumura's unavailability.

GMO's motion for leave to file a motion to compel the production of documents at ECF No. 222 is denied without prejudice.

The Clerk of Court is respectfully directed to terminate the motions at ECF Nos. 206, 214, and 222.

SO ORDERED.

DATED: New York, New York
November 13, 2024



KATHARINE H. PARKER
United States Magistrate Judge